

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LISA I. HURLEY,

Defendant.

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No. 4:19 CR 488 SRC/JMB

FIRST RESPONSE TO MOTION TO SUPPRESS EVIDENCE

COMES NOW the United States of America, by and through Jeffrey B. Jensen, the United States Attorney for the Eastern District of Missouri and Thomas J. Mehan, Assistant United States Attorney for said district, and files this response to the Motion to Suppress Evidence.

The plain view doctrine permits law enforcement officers to seize without a warrant when (1) The officer did not violate the Fourth Amendment in arriving at the place from which the evidence could be plainly viewed, (2) the object's incriminating character is immediately apparent, and (3) the officer had a lawful right of access to the object itself. United States v. Weinbender, 109 F. 3d 1327, 1330 (8th Cir. 1997). The immediately apparent requirement means that the officer must have probable cause to associate the property with criminal activity. United States v. Hatten, 68 F. 3d 257, 261 (8th Cir. 1995)

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney

/s/ Thomas J. Mehan
THOMAS J. MEHAN, #28958MO
Assistant United States Attorney

CERTIFICATE OF SERVICE

The above signed hereby certifies that a copy of the above was served via this Court's electronic filing system upon counsel of record on June 23, 2020.

/s/ Thomas J. Mehan
THOMAS J. MEHAN, #28958MO
Assistant United States Attorney